

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC

Plaintiff

V.

TEXAS INSTRUMENTS, INC., et al.

Defendant.

BLUE SPIKE, LLC

Plaintiff

v.

KRONOS INCORPORATED,

Defendant.

CIVIL ACTION NO. 6:12-CV-499 MHS

LEAD CASE

JURY TRIAL DEMANDED

CIVIL ACTION NO. 6:13-CV-86 MHS

CONSOLIDATED CASE

DECLARATION OF DAN SKIBA

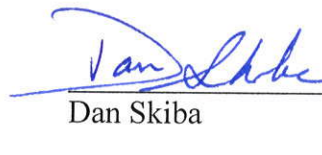
I, Dan Skiba, do hereby declare and state as follows:

1. I submit this Declaration in support of the Reply in Support of Motion to Transfer filed by Defendant Kronos Incorporated ("Kronos"). I have personal knowledge of the facts set forth in this Declaration, except as otherwise stated. I am competent to testify as to all matters stated, and if called upon to do so, I would testify to the facts set forth in this Declaration.
2. I am the Director of Engineering, Hardware of Defendant Kronos. In this role, I have been involved in the design and development of Kronos' time and attendance terminals, including those containing the biometric components, from their inception through the present.

3. Kronos has a small office in Cleburne, Texas, with a total of twenty-four employees. The office is not a business office, and the employees who work in the office have no involvement in any biometric technology or related design. The employees also have no involvement with Kronos' hardware products (i.e. its biometric terminals) in which the biometric technology is embedded. Four of the twenty-four employees are engineers who work exclusively on software development for Kronos' software products based on its iSeries platform. The iSeries platform is a niche product and is in no way related to the biometric technology.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of May, 2013, in Chelmsford, Massachusetts.

 15-May-2013
Dan Skiba